

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MANSEL OIL LIMITED,

Plaintiff,

- against -

SWIFT AVIATION GROUP, INC.,

Defendant.
-----X

ECF CASE

08 Civ. 1086 (GBD)

SUPPLEMENTAL AFFIDAVIT

J. KEVIN BURDETTE, being duly sworn, deposes and says:

1. I am executing this Affidavit based upon personal knowledge and to supplement my Affidavit sworn to on March 20, 2008, and in further support of Swift Air, LLC's motion to vacate plaintiff's attachment of an EFT that was en route from Swift Air's Canadian customer, Elite Jet Ltd. to Swift Air's bank account at the National City Bank of the Midwest in Troy, Michigan.

2. The Bank of New York's detailed wire transcript regarding Elite's wire transfer from Canadian Imperial Bank of Commerce is attached to the Affidavit of LeRoy Lambert as Exhibit 16.

3. That wire transcript indicates that the beneficiary of the wire transfer is "Swift Aviation Group".


4. The designation of "Swift Aviation Group" on the wire transcript is, in fact, a reference to the federally registered service mark referred to in paragraph 20 of my earlier Affidavit dated March 20, 2008 and utilized occasionally by Swift Air, LLC.

5. The designation of "Swift Aviation Group" as the beneficiary of the wire transfer was never intended to be a reference to the incorporated entity Swift Aviation Group, Inc. Although Swift Air, LLC typically uses its own name as the beneficiary of payments for its services, after an investigation of this matter I have determined that the use of the service mark "Swift Aviation Group" was an error in drafting.

6. Swift Aviation Group, Inc. does not have a bank account at the National City Bank of the Midwest nor does Swift Aviation Group, Inc. have any interest or control over Swift Air, LLC's account at National City Bank of the Midwest. A letter from National City Bank to that effect is attached hereto as Exhibit C.

7. To the extent that Swift Air, LLC's designation of "Swift Aviation Group" as the beneficiary of the wire transfer has caused any confusion to the garnishee bank, Plaintiff or to any other person, I can affirm that this was not Swift Air, LLC's intent and apologize for any confusion this mistake may have caused.

Dated: Phoenix, Arizona
April , 2008


J. Kevin Burdette
Vice President, Swift Air, LLC

Sworn to before me
this / day of April 2008


Notary Public

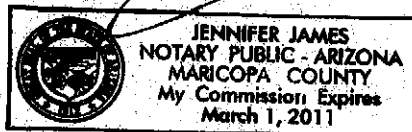


EXHIBIT C



National City Bank
Travel Industry Financial Services
755 West Big Beaver Road, Suite 1400
Loc. RJ40-14B
Troy, MI 48084
Fax (248) 729-8803

April 1, 2008

Swift Air LLC
2406 S. 24th Street
Phoenix, AZ 85034

To Whom It May Concern:

This letter is to confirm that on November 1, 2006 National City Bank entered into an Air Carrier Depository Escrow Agreement and Service Agreement for the benefit of Swift Air LLC. The depository escrow account assigned to Swift Air LLC is 1315. This account was opened in accordance with the Patriot Act under the name Swift Air LLC. All documents supplied to National City were for Swift Air LLC. We have not opened an escrow account for Swift Aviation Group.

Please do not hesitate to contact me with additional questions or concerns.

Sincerely

A handwritten signature in black ink, appearing to read "V'Sherrell L. Murphy", with a long, sweeping horizontal line extending to the right.

V'Sherrell L. Murphy
National City Bank
Escrow Services for the Travel Industry
Supervisor/Officer
Phone 248-729-8370
Fax 248-729-8803
E-Mail v'sherrel.murphy@nationalcity.com